



Agenda Item No. 15.

Staff Report

Date: December 14, 2023
To: Mayor Brekhus and Council Members
From: Roberta Feliciano, Planning and Building Director
Subject: Ross Bridges Use Permit- 23 Ross Common #4B, CUP23-0002

Recommendation

Town Council consideration of a use permit to operate an educational services use located at 23 Ross Common Unit #4B. The Council may adopt Resolution No. 2343 (Attachment 1) approving a use permit for an educational services use, subject to conditions.

Project Summary

Owner: Peter Maguire
Applicant: Mathew Salter on behalf of Ross Bridges
Location: 23 Ross Common #4B
A.P. Number: 073-273-10
Zoning: C-L (Local Service Commercial)
General Plan: C (Local Service Commercial)
Flood Zone: AE (High Risk Area)

Project Description

The applicant, Mathew Salter on behalf of Ross Bridges, requests consideration of a Use Permit to operate an educational services use. The proposed site is inside the Ross Garage building located at 23 Ross Common #4B. The educational services company would have two (2) staff members and a cap of 12 students. The proposed hours of operation are from 9:00 AM to 5:00 PM, Monday to Friday.

Background

In March of 2021, Ross Bridges, an educational services company, began operations at 23 Ross Common #4B inside the Ross Garage building. Ross Bridges provides tutoring, transitional kindergarten, after school programs, and educational camps. They did not apply for a use permit.

In October 2022, a complaint was received (Attachment 3) stating, as summarized, that the property does not meet any of the conditionally permitted uses and generates unnecessary traffic and noise. To follow up on the complaint, town staff determined that the operator is required to obtain a use permit to operate an educational services use.

Discussion

The project site is located within the Local Service Commercial General Plan Land Use Designation. Accordingly, the General Plan states “the downtown area is home to an eclectic variety of retail stores, restaurants, and professional offices. The Town encourages the community to support these businesses to maintain their viability and to sustain a timeless “country village” appeal to the Downtown area.” Other General Plan goals and policies related to the downtown are as follows:

- 2.1 Sustainable Practices (c) Preserve uses in the commercial area of the town that serve local residents and reduce the need to drive to other areas.
- 8.4 Downtown and Ross Common. Maintain the Town-owned Ross Common areas linked to uses and activities at Ross School and linked to the Town’s downtown area as the central recreation, gathering and local shopping area of Ross. Maintain the downtown area as an attractive, pedestrian-friendly, small retail/business area. Encourage smaller-scale housing units mixed with commercial uses.
- 8.6 Gathering Places. Encourage and enhance community gathering places such as downtown, the Ross Common and the post office. Support the activities of Ross Recreation, Ross School, and the Marin Art & Garden Center.
- Relevant General Plan “New Ideas” 8.B Modify Downtown Commercial Zoning. Revise commercial zoning in the Downtown to prohibit offices in storefront locations, to encourage mixed use housing, and to encourage uses that are local-serving and would contribute to the vitality of downtown.

The project site is located within the Local Service Commercial (C-L) zoning district. Pursuant to Ross Municipal Code (RMC) Section 18.20.020, the purpose of the C-L zoning district is to allow for “local service commercial uses necessary for the convenience of the residents of the town.” The C-L zoning district permits a variety of commercial uses that are either permitted uses (i.e., no Town Council action required) or that require a Use Permit.

The Local Service Commercial (C-L) zoning district allows a variety of uses such as restaurants, retail stores, and offices. The applicant believes the proposed use is similar to the use classification for medical and dental offices, real estate and insurance offices and offices of architects, engineers and attorneys. RMC Section 18.20.030 allows for any use which, in the opinion of the Town Council, is similar to those allowed in the C-L zoning district.

Based on the project description in the Project Application (Attachment 2), operations are limited to two (2) staff members and 12 students between the hours of 9:00 AM to 5:00 PM, Monday to Friday. The proposed educational services use is similar to the allowed uses in this zone since restaurants, retail stores and offices may have at least two (2) or more staff members, and likely a number of customers of more than twelve (12) daily. The hours of operations are consistent with typical office hours of 9:00 AM to 5:00 PM, Monday to Friday.

The proposed use is consistent with the General Plan goals and policies in that the use would contribute to the activity and economic vitality of the downtown, consistent with applicable goals, policies, and programs in the General Plan. Additionally, the use provides a local service use for the convenience of the residents of the town that is complementary to the local Ross School.

Alternative actions

1. Continue the project for modifications; or
2. Deny the application.

Public Comment

Public Notices were mailed to property owners within 500 feet of the project site. All public comments received by the writing of this report are included as Attachment 4.

Environmental review (if applicable)

The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Sections 1, Class 1 (Existing Facilities) as the project would have a negligible or no expansion of the existing use.

Fiscal, resource and timeline impacts

If approved, the project would not have any fiscal impact to the Town.

Attachments

1. Resolution No. 2343
2. Project Application
3. October 2022 Complaint
4. Public Comments

ATTACHMENT 1

TOWN OF ROSS

RESOLUTION NO. 2343

**A RESOLUTION OF THE TOWN OF ROSS APPROVING A USE PERMIT FOR
AN EDUCATIONAL SERVICES USE
AT 23 ROSS COMMON, APN 073-273-10**

WHEREAS, the applicant, Mathew Salter on behalf of Ross Bridges, submitted a Use Permit application for an educational services use at 23 Ross Common #4B, Assessor’s Parcel Number 073-273-10 (the “project”); and

WHEREAS, the project was determined to be categorically exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guideline Section 15301 –*additions to existing structures*. No exception set forth in Section 15301.2 of the CEQA Guidelines applies to the project including, but not limited to, Subsection (a), which relates to impacts on environmental resources; (b), which relates to cumulative impacts; Subsection (c), which relates to unusual circumstances; or Subsection (f), which relates to historical resources; and

WHEREAS, on December 14, 2023, the Town Council held a duly noticed public hearing to consider the proposed project; and

WHEREAS, the Town Council has carefully reviewed and considered the staff reports, correspondence, and other information contained in the project file, and has received public comment; and

NOW, THEREFORE, BE IT RESOLVED the Town Council of the Town of Ross hereby incorporates the recitals above; ratifies the findings set forth in Exhibit “A”, and approves the project, subject to the Conditions of Approval attached as Exhibit “B”.

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 14th day of December 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Cyndie Martel, Town Clerk

Elizabeth Brekhus, Mayor

EXHIBIT "A"
USE PERMIT FINDINGS
23 ROSS COMMON
APN 073-273-10

A. Findings

I. In accordance with Ross Municipal Code Section 18.44.030, a Use Permit is approved based on the following finding-

The establishment, maintenance, or conducting of the use for which the use permit is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience, or general welfare of persons residing or working in the neighborhood of the use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood:

The proposed use is consistent with the General Plan goals and policies in that the use would contribute to the activity and economic vitality of the downtown, consistent with applicable goals, policies, and programs in the General Plan. Additionally, the use would provide a local service use for the convenience of the residents of the town that is complementary to the local Ross School.

II. In accordance with Ross Municipal Code Section 18.20.030(b), a Use Permit is approved in the Local Service Commercial District based on the following findings-

(1) The use permit is consistent with the public welfare:

There will be no impact to the public welfare as the operations of an educational services office is similar to the allowed uses in the C-L (Local Service Commercial) zoning district.

(2) The proposed use will not be detrimental to or change the character of adjacent or neighboring properties in the area the use is proposed to be located:

The proposed use will be in an existing structure. No exterior modifications are proposed. The proposed location is a downtown commercial district, which is appropriate for the proposed use.

(3) The property on which the proposed use is to be located is suitable for the proposed use:

The property is suitable for the proposed use in that it is located in a commercial building occupied by other commercial uses such as restaurants, retail stores and offices.

(4) The traffic-generating potential and/or the operation of the proposed use will not place an unreasonable demand or burden on existing municipal improvements, utilities or services:

The project applicants indicated there will be two (2) staff members and a cap of 12 students during 2 to 4 hours increments. Therefore, there will be no adverse impacts expected to the existing municipal improvements, utilities or services.

(5) Adequate consideration has been given to assure protection of the environment:

The use permit is categorically exempt from CEQA and has been determined to have no impact on the environment.

(6) The proposed use is consistent with applicable zoning provisions and the objectives of the general plan; and

The project site is located within the Local Service Commercial (C-L) zoning district. Pursuant to RMC Section 18.20.020, the purpose of the C-L zoning district is to allow for “uses necessary for the convenience of the residents of the town.” The C-L zoning district permits a variety of commercial uses that are either permitted uses (i.e., no Town Council action required) or that require a Use Permit. RMC Section 18.20.030(a)(9) allows for any use which, in the opinion of the town council, is similar to those allowed in the C-L zoning district. As noted by the applicant, the proposed use is similar to other permitted and conditionally permitted uses in the C-L zoning district, including medical and dental offices, real estate and insurance offices and offices of architects, engineers and attorneys, provided such offices are not located in first-story space fronting the street.

The project site is located within the Local Service Commercial General Plan Land Use Designation. Accordingly, the General Plan states “the downtown area is home to an eclectic variety of retail stores, restaurants and professional offices. The Town encourages the community to support these businesses in order to maintain their viability and to sustain a timeless “country village” appeal to the Downtown area.”

(7) Adequate consideration has been given to assure conservation of property values, the suitability of the particular area for the proposed use and the harmony of the proposed use with the planned development and future land use of the general area.

The proposed use is located in the C-L district, which is suitable for the use. Additionally, the proposed use is in harmony with the existing and planned land uses in the area.

EXHIBIT "B"
CONDITIONS OF APPROVAL
23 ROSS COMMON
APN 073-273-10

The following conditions of approval are hereby approved by the Town Council:

1. This approval authorizes a Use Permit to allow an educational services use at 23 Ross Common #4B, Assessor's Parcel Number 073-273-10, consistent with the Use Permit Application provided by Ross Bridges dated May 2023, and subject to the following conditions of approval to allow an educational services use:
 - a. Hours of Operation shall be limited to 9:00 AM to 5:00 PM, Monday to Friday, excluding Town of Ross Holidays as defined by Section 9.20.060 of the Ross Municipal Code.
 - b. Ross Bridges shall maintain in good standing the State licensing approval for the operation of a Day Care Center from the State of California Community Care Licensing Division.
 - c. The maximum number of students for any 2-to-4-hour daily program shall be limited to twelve (12), with the exception of the T-K program, which shall be limited to eleven (11) students consistent with the approved State license.
 - d. The applicant shall obtain any and all required building permits prior to commencement of work.
 - e. In order to minimize parking and traffic impacts in the area from drop off and pick up activities:
 - i. No vehicle queuing shall be permitted on Town streets for the educational services use.
 - ii. The Town may require the property owner or educational services staff to monitor parking and drop off/pick up during scheduled drop-off and pick-up times and direct vehicles, as necessary.
3. Any encroachment into the public right of way, such as for installation or replacement of awnings, signage, or seating, requires a revocable encroachment permit reviewed and approved by the planning department and issued by the Director of Public Works.
5. The applicant shall comply with the Town noise and general regulations. Any new equipment and interior noise shall operate within the allowable noise limits.

10. Prior to installation of any new signage, including any interior signs that are visible from the exterior, the applicant shall submit plans for the signs to the Town planning department staff for approval and or shall be subject to Town Council approval. No exposed neon tubing for signing or decoration is permitted.
11. In the event that any of the conditions of this approval are not satisfied, the Planning Department shall first notify the applicant and, if correction is not made, notice a hearing to be set before the Town Council to determine whether the Town should revoke the approval of the Use Permit.
12. No changes to the approved use permit and project description provided in the Application Materials shall be permitted without prior Town approval.
13. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense; however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

ATTACHMENT 2



Ross Bridges

Town of Ross
Use Permit Application

May 2023

Ross Bridges Background

In March of 2021, we opened our small business, Ross Bridges, to provide much needed tutoring, enrichment, and Transitional Kindergarten services to our community. As mothers and teachers we witnessed first hand the terrible impact the pandemic had on our children's education and decided to make a difference. Since opening, we have worked with dozens of children to bridge the learning lost to the pandemic and have been so proud to see them thrive. On the Transitional Kindergarten side, we offer a program missing in our community. The Ross School does not offer a T-K program nor do any of the local preschools. We bring our 20+ years of experience as credentialed Kindergarten teachers to help young learners get ready for the challenges of Kindergarten and beyond.

Since opening our doors, we have become important members of the Ross community. Aside from educating many Ross families, we have taken an active role in augmenting the Ross School's curriculum by providing much needed after school enrichment programming. We have partnered with David Rice and the Ross School staff to pick up students directly from the Ross school to attend our programs. We have also partnered with the Ross School to sponsor a number of Ross School and PTO events. With our downtown neighbors, we have participated in a number of downtown merchant events, including with Carey Condy real estate and Marche restaurant.

Location

We are located at 23 Ross Common Unit #4B inside the Ross Garage building. Our unit is located inside the building off an internal atrium that does not face the street. The building has an outdoor courtyard that connects Poplar Avenue to Fredrick Allen Park. The location is an ideal setting for a school because it has three different pedestrian access points away from vehicle traffic and is adjacent to a large community park.



Services, Hours of Operation & Capacity

We are a commercial educational services company. Our services fall into four categories: preschool T-K programs, After-school Enrichment programs, Private tutoring, and Educational camps. The closest NAICS code for our business is 8299: Schools and Educational Services, Not Elsewhere Classified. Our business is staffed by one Teacher/Director and one Aide for most of the day. Our T-K program has a State mandated cap of 11 students. Our After School and Camps have an internal cap of 12 students.

During the school year, our programs are offered during the following times on school days Monday through Friday:

Category	Time	Hours	Maximum Students	Staff	Total
T-K	9:30-1:00pm	3.5	11	2	13
After School	1:00-4:00pm	2.0	12	2	14
Tutoring	2:00-5:00pm	3.0	6	1	7
TOTAL		8.5			

During the summer and school break periods, our programs are offered during the following times:

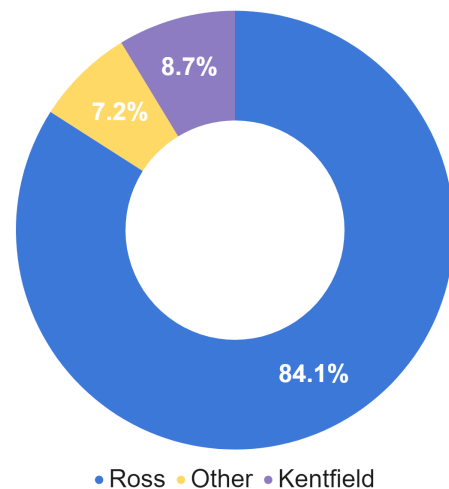
Category	Time	Hours	Maximum Students	Staff	Total
Camps	9:00-1:00pm	4.0	12	2	14
Tutoring	1:00-4:00pm	3.0	6	1	7
TOTAL		7.0			

The school year runs from late August through early June, approximately 10 months. The summer break is approximately 2 months.

The maximum number of people in the classroom is typically 14 including students and staff. There is only one evening during the year this maximum number is exceeded: Back to School night (15-25 people).

Customer Demographics

Since opening, we have had approximately 70 families enroll in our programs. Of these families, 58 families or 84% live in Ross. The remaining families live in Kentfield, San Anselmo, and Fairfax. Most families live within walking distance of our school.



Transportation

The vast majority of our customers live in Ross and have other children that attend the Ross School. These families drop-off their children at Ross Bridges after they drop-off their children who attend the Ross School. They walk in-between schools both at drop-off and pick-up. We also offer a roving drop-off time between 8:45-9:15am to allow flexibility for parents and alleviate any potential traffic or parking issues.

Ross Bridges After School programs are designed to bridge the gap between drop off times at the Ross School. Our Kindergarten Club is very popular for this reason. Our Kindergarten Club offers after school enrichment during the hour gap between the Kindergarten release time and the release time for the rest of the school. Our staff walks to the Ross School, picks up the Kindergarteners (normally at 2:00pm) and keeps them until the rest of the school is let out around 3:00pm. We also walk Kindergartners back to the Ross School for parents who would like to pick up all of their children at the same time and place. This program offers a convenient option for parents juggling multiple children.

State of California License

Our T-K program is regulated by the State of California Department of Social Services. The license is attached in Exhibit A and has been effective since March 16, 2022. The State strictly regulates all aspects of our operations, including limiting our T-K program capacity to eleven students. The core mission of the Child Care Licensing Program is to ensure the health and safety of children in care. The Child Care Licensing Program strives to provide preventive, protective, and quality services to children in care by ensuring that licensed facilities meet established health and safety standards through monitoring facilities, providing technical assistance, and establishing partnerships with providers, parents, and the child care community.

More information about the legal and regulatory compliance requirements Ross Bridges is subject to can be found on the Department of Social Services website:

<https://www.cdss.ca.gov/inforesources/child-care-licensing/resources-for-providers/laws-and-regulations>

Town of Ross Zoning Considerations

It should be noted the Town of Ross does not currently provide zoning for schools or educational service businesses. The other two schools in town, The Ross Preschool and the Branson School, have been forced to secure Use Permits in order to operate. Given the

Town is predominantly zoned as Single Family Residential, the absence of zoning for educational services for town residents seems like an oversight that should be corrected. Many of the Town's families require educational services for their children and these services should be permitted to operate within the Town in the same manner as other necessary services offered in the Town. Moreover, the Town's General Plan specifically sets a goal to maintain a close, collaborative relationship with educational programs in Ross. This is an impossible goal if the Town will not allow educational programs to be offered by right.

Ross Bridges is located in the Local Service Commercial (C-L) District. This district classification is intended to be applied to properties which constitute a compact centrally located land area of only such size as is necessary to contain local service commercial uses necessary for the convenience of the residents of the town. Educational services are not listed as a permitted use, but the code provides an exception for any use which, in the opinion of the town council, is similar to the permitted uses.

We believe Ross Bridges is similar to Permitted Use #7: Medical and dental offices, real estate and insurance offices and offices of architects, engineers and attorneys, provided such offices are not located in first-story space fronting the street. We believe our use is similar for the following reasons:

- Our business is not located in first-story space fronting the street
- We provide professional services similar to medical and dental offices where customers visit practitioners to receive specialized services
- Medical and dental offices provide services to adults and children. The code does not mention nor prohibit services to children.

Use Permit Requirements

We believe Ross Bridges meets all of the Town's requirements to grant a Use Permit:

1. *The use permit is consistent with the public welfare.*
 - Providing educational services to Town residents greatly enhances the public welfare
2. *The proposed use will not be detrimental to or change the character of adjacent or neighboring properties in the area the use is proposed to be located.*

- Ross Bridges has been operating successfully since 2021 with no change to or detrimental effects on the neighborhood. Ross Bridges has become a welcome addition to the downtown corridor, bringing additional foot traffic to nearby businesses.
3. *The property on which the proposed use is to be located is suitable for the proposed use.*
- Ross Bridges has been operating in its current location since 2021. The location is ideal for educational services for several reasons, including: 1) it is located across from the Town's primary educational center, the Ross School, 2) it is adjacent to large outdoor spaces and parks, 3) the location is offset from street/vehicle traffic which provides additional safety, 4) it has multiple pedestrian entrances and exits, 5) the location has ample street parking and is near the Post Office parking lot. Most significantly, the State of CA Department of Social Services has approved the location for school use.
4. *The traffic-generating potential and/or the operation of the proposed use will not place an unreasonable demand or burden on existing municipal improvements, utilities or services.*
- Ross Bridges has been operating in its current location since 2021 with minimal impact to traffic, existing municipal improvements, utilities, or services. The T-K program capacity is legally capped at eleven students. This cap ensures that only a small number of customers will visit the business each day.
5. *Adequate consideration has been given to assure protection of the environment*
- The use of educational services has a similar environmental impact as other permitted professional services like real estate and insurance offices and offices of architects, engineers and attorneys.
 - We believe our use of the property is exempt from CEQA as we are using an existing an existing facility. 15301 Class 1 Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. **The key**

consideration is whether the project involves negligible or no expansion of an existing use.

6. *The proposed use is consistent with applicable zoning provisions and the objectives of the general plan.*
 - General Plan 9.4 Coordination with Schools. Maintain a close, collaborative relationship with the Ross School **and other educational programs in Ross to maintain the excellence of the education programs offered and to plan for future needs.** Use all direct and indirect means available to the Town of Ross to ensure that the modification, operation and maintenance of Ross School is consistent with the goals and aspirations of the Ross General Plan.
 - General Plan 8.5 Downtown Commercial Uses. Create a warm, friendly, attractive and economically viable shopping environment in the downtown by **encouraging local-serving commercial uses** that create a pedestrian feel in the Downtown, especially in ground-floor storefront locations.
 - Ross Bridges use is consistent with the General Plan. We are a local-serving professional service business. Educational services are essential services for families in Town and are consistent with the General Plan's stated goal to "maintain a close, collaborative relationship with educational programs in Ross to maintain the excellence of the education programs offered and to plan for future needs."

7. *Adequate consideration has been given to assure conservation of property values, the suitability of the particular area for the proposed use and the harmony of the proposed use with the planned development and future land use of the general area.*
 - We believe providing educational services will serve to further enhance the character and diversity of the Downtown area.
 - The Town of Ross benefits from its excellent public school and its property values command a premium from families seeking to attend The Ross School. Ross Bridges and other educational service businesses augment and enhance the strength of the students attending the school, ultimately leading to higher property values.

Conclusion

According to the General Plan, "We define stewardship as the careful and responsible management of something entrusted to one's care. This community shares a unique

environment in which we foster, nurture and protect our families. The founding principles of this place are joy in the physical environment, the families who stand together and the **education of the children who will learn and project these values into the future.** We have come to this valley in search of a better way to live. In every aspect this view of the projected future, this General Plan, is grounded in the stewardship of these irreplaceable assets.”

Education is a founding principle of the Town of Ross that should be nurtured and supported. We respectfully request the Town remain consistent with its founding principles and approve Ross Bridges’ application for a Use Permit.

EXHIBIT A: State of CA DSS License



State of California

Department of Social Services

Facility Number: 214005603

Effective Date: 03/16/2022

Total Capacity: 11

In accordance with applicable provisions of the Health and Safety Code of California, and its rules and regulations; the Department of Social Services hereby issues

this License to

ROSS BRIDGES LLC

to operate and maintain a

DAY CARE CENTER

Name of Facility

ROSS BRIDGES
23 ROSS COMMON #4B
ROSS, CA 94957

This License is not transferable and is granted solely upon the following:

LICENSED TO SERVE CHILDREN AGES TWO YEARS OLD TO ENTRY TO FIRST GRADE. LICENSE IS SUBJECT TO TERMS AND CONDITIONS OF THE OUTDOOR SPACE WAIVER.

Client Groups Served:


CHILDREN

Complaints regarding services provided in this facility should be directed to:

CCLD Regional Office

(650) 266-8800

Kevin Gaines
Deputy Director,
Community Care Licensing Division


Authorized Representative of Licensing Agency

ATTACHMENT 3

Sent: Friday, October 21, 2022 3:34 PM
To: Rebecca Markwick
Subject: APN 073-273-10

Town of Ross

Does Ross Bridges School at 23 Ross Common have any permits to allow their operation in the C-L zoning?

The user lists Transitory Kindergarten, Kindergarten Club, Private Tutoring, Art Classes, Yoga Classes, Stem Classes, Homework Clubs and other programs that are not remotely similar to a proper use of the space.

The C-L zoning for this APN does not list educational or school or day-care or child-care or pre-school or tutoring center or anything that is even remotely similar as a proper use of the space.

This property does not meet and is not similar to any of the permitted nor any of the conditionally permitted uses for the C-L zoning.

The property does not have a dedicated space for the students to run and do physical education. Why would they be given any permit to operate a school if they have only improper space. Spaces should be appropriate for use which is why we have zoning laws.

The user generates unnecessary and additional traffic at school and tutoring and classes and clubs starting and ending times.

The user also generates a lot of noise caused by having so many children and parents coming and going all day long for the many programs listed above.

All of these programs generate unnecessary traffic in town and the people who run the program have been acting like rude and entitled people and causing unnecessary problems in town. We should not support toxic behavior and should make sure that their school follows the rules.

We are in a small community. Please do not share my information.

ATTACHMENT 4

Donna Redstone

From: Christa Johnson - Town Manager
Sent: Tuesday, December 05, 2023 9:00 AM
To: Roberta Feliciano; Alex Lopez-Vega
Subject: FW: Support for Ross Bridges use permit

Christa Johnson
Town Manager, Town of Ross
PO Box 320
Ross, CA 94957-0320
415-453-1453 x107
cjohnson@townofross.org

-----Original Message-----

From: Raime Heyneker <raimehey@gmail.com>
Sent: Monday, December 4, 2023 9:12 PM
To: CouncilAll <towncouncil@townofross.org>
Subject: Support for Ross Bridges use permit

Dear Town Council,

I am writing in support of Ross Bridges' application for a Use Permit to operate in our town. Ross Bridges has been instrumental in helping my child overcome several learning challenges over the past few years.

As a parent with young children, I know how difficult school can be especially for children who fell behind during the pandemic. The teachers at Ross Bridges are professionals with 15+ years of experience working in public education. Our town is fortunate to have these incredible resources available to our children. Our town needs more businesses like Ross Bridges not less. I humbly urge you to approve Ross Bridge's Use Permit application so they can continue to do the great work they are doing for our early learners. I know it will pay dividends down the road for our children and the broader community.

Sincerely,
Raime Heyneker

Sent from my iPhone

Donna Redstone

From: Christa Johnson - Town Manager
Sent: Tuesday, December 05, 2023 4:48 PM
To: Roberta Feliciano; Alex Lopez-Vega
Subject: FW: Support for Ross Bridges

Christa Johnson
Town Manager, Town of Ross
PO Box 320
Ross, CA 94957-0320
415-453-1453 x107
[*cjohnson@townofross.org*](mailto:cjohnson@townofross.org)

From: Jackie DiLaura <jackiedilaura@gmail.com>
Sent: Tuesday, December 5, 2023 1:16 PM
To: CouncilAll <towncouncil@townofross.org>
Subject: Support for Ross Bridges

Dear Town Council,

I am writing in support of Ross Bridges' application for a Use Permit to operate in our town. Ross Bridges not only helped my child with after school tutoring and homework support but also gave me, as a working mom, piece of mind- they offer a seamless and safe transition from school to aftercare in Ross.

As a parent with grade-school children, I know how difficult school can be especially for children who fell behind during the pandemic. The teachers at Ross Bridges are professionals with 15+ years of experience working in public education. Our town is fortunate to have these incredible resources available to our children. Our town needs more businesses like Ross Bridges- not less. I humbly urge you to approve Ross Bridges' Use Permit application so they can continue to do the great work they are doing for our early learners. I know it will pay dividends down the road for our children and the broader community.

Sincerely,
Jackie DiLaura

Donna Redstone

From: Barry Family <barryfamross@gmail.com>
Sent: Saturday, December 02, 2023 1:57 PM
To: CouncilAll
Subject: Ross Bridges application

Dear Town Council,

I am writing in support of Ross Bridges' application for a Use Permit to operate in our town.

Ross Bridges has been instrumental in helping our child overcome several learning challenges over the past few years.

As a parent with young children, we know how difficult school can be especially for children who fell behind during the pandemic. The teachers at Ross Bridges are professionals with 15+ years of experience working in public education. Our town is fortunate to have these incredible resources available to our children. Our town needs more businesses like Ross Bridges not less.

We humbly urge you to approve Ross Bridge's Use Permit application so they can continue to do the great work they are doing for our early learners. I know it will pay dividends down the road for our children and the broader community.

Sincerely,
Piers and Nina Barry

Donna Redstone

From: Courtney <courtney.halip@gmail.com>
Sent: Saturday, December 02, 2023 2:24 PM
To: CouncilAll
Subject: Ross Bridges' application to use a Permit

Dear Town Council,

I am writing in support of Ross Bridges' application for a Use Permit to operate in our town. Ross Bridges has been instrumental in helping my son, Hank, overcome learning challenges through tutoring. Jenine has been the biggest advocate for him and has gone above and beyond to help me navigate his learning plan at Ross School. My daughter, Eadie, attended their TK program and I couldn't not speak more highly of our experience there. When we moved to Ross in 2020, my daughter could not get into any preschools due to the pandemic. If it weren't for Ross Bridges I don't know where we would be. They have been our backbone for our early learners from the start!

The teachers at Ross Bridges are professionals with 15+ years of experience working in public education. Our town is fortunate to have these incredible resources available to our children. Our town needs more businesses like Ross Bridges as the preschool options are minimal. I humbly urge you to approve Ross Bridge's Use Permit application so they can continue to do the great work they are doing for our early learners. I know it will pay dividends down the road for our children and the broader community.

Thank you,
Courtney Halip
43 Redwood Drive #691
Ross, CA 94957
(203) 249- 3604



Donna Redstone

From: Emily Millman <millmanemilyk@gmail.com>
Sent: Saturday, December 02, 2023 4:44 PM
To: CouncilAll
Subject: Ross Bridges

To the Ross town council,

I am writing on behalf of Ross Bridges in support of Ross Bridges' application for a Use Permit to operate in our town. I cannot overstate the incredible positive impact that Ross Bridges has had on our family in particular and our community. We are truly lucky to have Ross Bridges in our town and I truly hope you will approve this permit.

We were one of the first families that has worked with Ross Bridges and they have been instrumental in making Ross feel like home for us. We learned about the program when we first moved to Ross in 2021. Our oldest son Lucas had been out of school for months because of the pandemic and our move. He was struggling to get back to a school environment and had learning challenges before starting Kindergarten. Tracy and Jenine lovingly supported him and got him where he needed to be and he is absolutely thriving.

Our daughter Emma now attends the pre K program and it has been the most incredible experience. Ross as a town has very few preschool options which I found difficult when we first moved here. Last school year I sent both of my girls to Marin Primary. Since changing programs this year, being at Ross Bridges has truly been life changing for me in a number of ways. Most simply, having a school within walking distance is huge. Not only that, but I have felt more integrated into the Ross community by a huge factor. It is a wonderful class, and I have grown very close to the parents, students, and the teachers, and that sense of community has been so important to me during a very difficult year. In addition, the team at Ross Bridges are truly incredible educators. They make learning fun and the difference in my daughter being there versus another program is astounding. My daughter is thriving and learning in a way that floors me. I have seen them in action teaching and they are truly extraordinary. I truly know Emma is in the most capable hands and am watching with awe as her learning takes off and as these beautiful friendships are blossoming.

We truly could not be more blessed as a community to have this program, and I hope you will consider this letter in your decision.

Emily Millman

Donna Redstone

From: Shelley Ryan <shelley.a.ryan@gmail.com>
Sent: Saturday, December 02, 2023 2:11 PM
To: CouncilAll
Subject: support for Ross Bridges

Dear Town Council,

I am writing in support of Ross Bridges' application for a Use Permit to operate in Ross. We do not yet have elementary age children, but both my husband and I both work full time so we look forward to taking advantage of their wonderful extension program once we get to Kindergarten in a couple of years. We have heard incredible things about their teachers and program from other Ross families who have had children attend their program!

The teachers at Ross Bridges are professionals with 15+ years of experience working in public education. Our town is fortunate to have these incredible resources available to our children. Our town needs more businesses like Ross Bridges not less. I humbly urge you to approve Ross Bridge's Use Permit application so they can continue to do the great work they are doing for our early learners. We know it will pay dividends down the road for our children and the broader community.

Sincerely,
Shelley

--
Shelley A. Ryan
917-216-3385
Shelley.A.Ryan@gmail.com

Donna Redstone

From: Christa Johnson - Town Manager
Sent: Monday, October 09, 2023 6:10 PM
To: Alex Lopez-Vega; Roberta Feliciano
Subject: FW: FW: Ross Bridges/Town of Ross
Attachments: image001.png

Alex and Roberta, please note the neighbors comments re Ross Bridges' CUP application and please make sure they are attached to the staff report that goes to the Council.

Thank you, christa

Christa Johnson
Town Manager, Town of Ross
PO Box 320
Ross, CA 94957-0320
415-453-1453 x107
cjohnson@townofross.org

From: Andreas Kessler <kessler.andreas.1977@gmail.com>
Sent: Sunday, October 1, 2023 1:20 PM
To: David Woltering <dwoltering@townofross.org>; Elizabeth Robbins <eliz.robbs@ gmail.com>; Rebecca Markwick <rmarkwick@townofross.org>; Elizabeth Brekhus <elizabethb@brekhus.com>
Cc: Christa Johnson - Town Manager <cjohnson@townofross.org>
Subject: Re: FW: Ross Bridges/Town of Ross

This is a surprising email to read based on the clear information on Section 18.20.030 (9).

Does the town believe that T-K instruction, after school, tutoring and camps are "similar" to a retail store?
Does the town believe that T-K instruction, after school, tutoring and camps are "similar" to a retail bakery?
Does the town believe that T-K instruction, after school, tutoring and camps are "similar" to an appliance shop?
Does the town believe that T-K instruction, after school, tutoring and camps are "similar" to a photo/gift shop?
Does the town believe that T-K instruction, after school, tutoring and camps are "similar" to a laundry facility?
Does the town believe that T-K instruction, after school, tutoring and camps are "similar" to a shoe sales store?
Does the town believe that T-K instruction, after school, tutoring and camps are "similar" to a medical and dental office?
Does the town believe that T-K instruction, after school, tutoring and camps are "similar" to a public utility office?
Does the town believe that T-K instruction, after school, tutoring and camps are "similar" to a bank?
Does the town believe that T-K instruction, after school, tutoring and camps are "similar" to a single family home?

The Town Council is made up of group of intelligent individuals who can certainly recognize that T-K instruction, after school, tutoring and camps are in no way shape or form similar to the accepted zoning uses of retail store, retail bakery, appliance shop, photo/gift shop, laundry, shoe sales, medical office. None of the permitted or conditionally permitted uses are even remotely related to how the property is zoned. Please help to understand why this would even be suggested by town staff to the users at 23 Ross Common. Certainly the town staff does not believe any of those uses are somehow "similar" in nature? What's the point of having zoning laws if they aren't followed?

On Fri, Sep 29, 2023 at 11:52 AM David Woltering <dwoltering@townofross.org> wrote:

Andreas,

Thank you for your email of earlier this morning. I want to provide you with an update on the Ross Bridges use at 23 Ross Common and a more recent entry at that location of another similar use, the Spark Learning Center, of which Town staff just very recently became aware. As former Town of Ross Planning and Building Director Rebecca Markwick shared with you in an attached communication to an earlier email to you, while these uses, i.e., tutoring, after school instruction, etc., are not specifically listed as Permitted Uses or Conditional Uses, there is a provision under 18.20.030 (9) *Conditionally permitted - Use permit* of the Town of Ross Code that an applicant has standing to submit a formal application to the Town to explain how a use could be considered "similar to" one of the uses specifically enumerated as Permitted or Conditionally Permitted under Chapter 18.20 Local Service Commercial (C-L) District of the Town's Code. Ross Bridges representatives have applied and paid required fees to bring this request to the Town Council. Staff has been working with the Ross Bridges representatives to obtain all needed information and will be preparing a staff report and expects to be able to place this matter on a Town Council agenda for consideration by the end of the year. Separately, Town staff has contacted Spark Learning Center representatives and explained to them that their use is not currently permitted at 23 Ross Common, given that it is within a C-L Zoning District. Staff did indicate to those representatives they could make an application like what Ross Bridges has done but would ultimately require Town Council approval under Section 18.20.030 (9) to allow the use at that location. The Spark Learning Center representatives indicated they would be applying and paying required application fees for processing shortly. Staff will notify you as part of the standard required noticing when these applications are scheduled for consideration by the Ross Town Council.

Best regards,

David

David Woltering, AICP, MPA

Interim Planning and Building Director

Town of Ross

From: Andreas Kessler <kessler.andreas.1977@gmail.com>

Sent: Friday, September 29, 2023 5:33 AM

To: Rebecca Markwick <rmarkwick@townofross.org>; Elizabeth Brekhus <elizabethb@brekhus.com>; Elizabeth Robbins <eliz.robbins@gmail.com>; Christa Johnson - Town Manager <cjohnson@townofross.org>; David Woltering <dwoltering@townofross.org>

Subject: Re: FW: Ross Bridges/Town of Ross

It has been ten days since last email and over 9-months since the original discussions about Ross Bridges violating our zoning laws. They have no variance and no use permit, and should have been shut down last year. As nothing has happened, we now have yet another business moving into the same space without a variance and without a use permit. As your planner stated to the violators, "none of these uses (tutoring, school, etc.) are listed in either section of the code, therefore are not permitted uses".

Can someone help explain why the rules and laws are not being enforced?

It's been 9-months. Do you plan to enforce them? If so, when?

On Mon, Sep 18, 2023 at 8:11 PM Andreas Kessler <kessler.andreas.1977@gmail.com> wrote:

While the Town seems to do nothing about these blatant zoning and code violations it seems another similar business is opening at 23 Ross Common to provide similar services and generate more noise and traffic. What is the purpose of having zoning laws if Ross does not follow them? Will someone please follow up about the variance and CUP requirements or shut them down already.

On Sat, Feb 4, 2023 at 2:31 PM Andreas Kessler <kessler.andreas.1977@gmail.com> wrote:

Hello, can you confirm that a variance is required and if not required can you help explain why not. My understanding is a property owner requests a variance **when their planned use of their property deviates from local zoning laws designed to protect property values**. If granted, a variance acts as a waiver to some aspect of the zoning law or regulations. The local zoning laws in this case do not allow for a T-K instruction, after school, tutoring or camps and they are in no way similar to bakery, laundry, shoe shop.

On Sat, Jan 21, 2023 at 4:59 PM Andreas Kessler <kessler.andreas.1977@gmail.com> wrote:

Based on the information in zoning the Town Council must be of the opinion that T-K instruction, after school, tutoring and camps are similar to either retail store, retail bakery, appliance shop, photo/gift shop, laundry, shoe sales, medical office. None of the permitted or conditionally permitted uses are even remotely related to how the property is zoned so it seems that a variance would be required unless the town council specifically votes that T-K instruction, after school, tutoring and camps are somehow related to a bakery or gift shop, or a laundry or shoe sales shop. May have missed this on prior agendas but would you please confirm that the town council has discussed this and found that T-K instruction, after school, tutoring and camps is similar to the permitted uses and which one they believe it is related to?

As pointed out previously, the afterschool care run by the town has had enrollment issues. This negative impact to the town budget is directly connected to the unpermitted use by Ross Bridges T-K instruction, after school, tutoring and camps.

On Wed, Jan 18, 2023 at 3:03 PM Rebecca Markwick <rmarkwick@townofross.org> wrote:

Hello,

Below is the email that I sent to Ross Bridges.

Thanks,

Rebecca

Rebecca Markwick

Director of Planning and Building



P.O. Box 320

Ross, CA, 94957-0320

415-453-1453 x121

rmarkwick@townofross.org

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From: Rebecca Markwick
Sent: Wednesday, January 18, 2023 3:01 PM
To: Ross Bridges <rossbridgeskids@gmail.com>
Subject: RE: Ross Bridges/Town of Ross
Importance: High

Hello,

Thank you for the information. I am following up on my research into our zoning ordinance and the information that you have provided regarding Ross Bridges. The property at 23 Ross Common is zoned C-L Local Service Commercial and there are land uses that are permitted by right and land uses that require a Use Permit. Here is a link to the [C-L Zoning district](#). Section 18.20.025 has permitted uses and 18.20.030 has uses that require a use permit. In the case of Ross Bridges, T-K instruction, after school, tutoring and camps; none of these uses are listed in either section of the code, therefore are not permitted uses. That being said, section 18.20.030 (9)states that:

Any use which, in the opinion of the town council, is similar to those enumerated above is eligible for a Use Permit application.

As you can see, based on the Town of Ross Municipal Code, Ross Bridges requires a Use Permit application. The Use Permit is reviewed by the Town Council, as a public hearing and we take in a deposit of \$5,589 to process the Use Permit.

I am more than happy to set up a time to discuss this with you.

Thanks,

Rebecca

Rebecca Markwick

Director of Planning and Building



P.O. Box 320

Ross, CA, 94957-0320

415-453-1453 x121

rmarkwick@townofross.org

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From: Ross Bridges <rossbridgeskids@gmail.com>
Sent: Wednesday, December 14, 2022 3:16 PM
To: Rebecca Markwick <rmarkwick@townofross.org>
Subject: Re: Ross Bridges/Town of Ross

Here you go.

 [License_279 \(1\).pdf](#)

On Tue, Dec 13, 2022 at 5:05 PM Rebecca Markwick <rmarkwick@townofross.org> wrote:

Hi,

Thank you for the information. Do you have a copy of your previous years business license?

Thanks,

Rebecca

Rebecca Markwick

Director of Planning and Building



P.O. Box 320

Ross, CA, 94957-0320

415-453-1453 x121

rmarkwick@townofross.org

This email and attachments may contain information that is confidential, privileged and protected from disclosure. Review, dissemination or copying is prohibited. If this email is not intended for you, please notify the sender and immediately delete the entire transmittal.

From: Ross Bridges <rossbridgeskids@gmail.com>
Sent: Friday, December 9, 2022 2:38 PM
To: Rebecca Markwick <rmarkwick@townofross.org>
Subject: Ross Bridges/Town of Ross

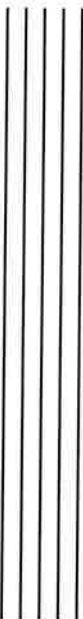
Hi Rebecca,

Here is our attached renewed license issued by the town of Ross as well as details of what we do at our facility.

Thanks,

Tracy Salter and Jenine Gallardo

 Town of Ross TK 2022 schedule



Ross Bridges

23 Ross Common #1821

Ross, CA 94957

(415) 323-6707

www.rossbridges.com

Donna Redstone

From: Christa Johnson - Town Manager
Sent: Monday, December 04, 2023 3:39 PM
To: Roberta Feliciano; Alex Lopez-Vega
Subject: FW: Ross Bridges - Use Permit Application

Christa Johnson
Town Manager, Town of Ross
PO Box 320
Ross, CA 94957-0320
415-453-1453 x107
cjohnson@townofross.org

From: Hailey Underwood <hailey.underwood14@gmail.com>
Sent: Monday, December 4, 2023 3:24 PM
To: CouncilAll <towncouncil@townofross.org>
Subject: Ross Bridges - Use Permit Application

Dear Ross Town Council,

I am writing in support of Ross Bridges' application for a Use Permit to operate in Ross. Ross Bridges has been instrumental in helping both of my children prepare for Elementary school and they have continued to support my children and us as a family to overcome learning challenges these last two years.

As a parent with young children, I know how difficult school can be especially for children who fell behind during the pandemic. The teachers at Ross Bridges are professionals with 15+ years of experience working in public education. The town of Ross and our broader community are fortunate to have these incredible resources available to our children. Ross needs more businesses like Ross Bridges not less. I humbly urge you to approve Ross Bridge's Use Permit application so they can continue to do the great work they are doing for our early learners. I know it will pay dividends down the road for our children and the broader community.

Sincerely,

Hailey and Greg Underwood

Donna Redstone

From: Christa Johnson - Town Manager
Sent: Monday, December 04, 2023 9:27 AM
To: Alex Lopez-Vega; Roberta Feliciano
Subject: FW: Ross Bridges Conditional Use Permit Application Support

Christa Johnson
Town Manager, Town of Ross
PO Box 320
Ross, CA 94957-0320
415-453-1453 x107
cjohnson@townofross.org

From: Simon Etherington <simonetherington@mac.com>
Sent: Sunday, December 3, 2023 7:22 PM
To: CouncilAll <towncouncil@townofross.org>
Subject: Ross Bridges Conditional Use Permit Application Support

Dear Town Council,

We fully support Ross Bridges application for a Special Use Permit. Our family couldn't be happier with our experience with Ross Bridges. Our younger son George is currently enrolled and the TK program and school enrichment programs are very well run and are a great benefit to all of the children enrolled. The teachers are excellent and the facility is well suited to the programming.

It is also worth pointing out that the State of California mandated Transitional Kindergarten in its public schools in 2021. However, despite the mandate The Ross School does not offer that programming. I know that this isn't the proper forum to discuss all the aspects of why the Ross School doesn't provide Transitional Kindergarten like most other school districts in Marin. However, our family is grateful that Ross Bridges has filled that educational gap with their programming.

Thank you,

Simon, Meredith, Henry and George Etherington
121 Lagunitas Rd, Ross

Donna Redstone

From: Christa Johnson - Town Manager
Sent: Monday, December 04, 2023 9:25 AM
To: Roberta Feliciano; Alex Lopez-Vega
Subject: FW: Ross Bridges Support

Christa Johnson
Town Manager, Town of Ross
PO Box 320
Ross, CA 94957-0320
415-453-1453 x107
cjohnson@townofross.org

From: Annie Prupas <annie@retailwestinc.com>
Sent: Monday, December 4, 2023 9:11 AM
To: CouncilAll <towncouncil@townofross.org>
Subject: Ross Bridges Support

Dear Town Council,

I am writing in support of Ross Bridges' application for a Use Permit to operate in our town. Ross Bridges has been instrumental in helping my child overcome several learning challenges over the past few years.

As a parent with young children, I know how difficult school can be especially for children who fell behind during the pandemic. The teachers at Ross Bridges are professionals with 15+ years of experience working in public education. Our town is fortunate to have these incredible resources available to our children. Our town needs more businesses like Ross Bridges not less. I humbly urge you to approve Ross Bridge's Use Permit application so they can continue to do the great work they are doing for our early learners. I know it will pay dividends down the road for our children and the broader community.

Sincerely,
Annie Prupas

Annie Prupas
Retail West
annie@retailwestinc.com
415-919-7944

Donna Redstone

From: Christa Johnson - Town Manager
Sent: Tuesday, December 05, 2023 11:03 AM
To: Roberta Feliciano; Alex Lopez-Vega
Subject: FW: Ross Bridges Use Permit Approval

Christa Johnson
Town Manager, Town of Ross
PO Box 320
Ross, CA 94957-0320
415-453-1453 x107
cjohnson@townofross.org

From: Kim Letter <kimletter13@gmail.com>
Sent: Tuesday, December 5, 2023 10:49 AM
To: CouncilAll <towncouncil@townofross.org>
Subject: Ross Bridges Use Permit Approval

Dear Town Council,

I am writing today in support of Ross Bridges' application for a Use Permit to operate in our town. I cannot overemphasize how critical this business is to our family here in Ross and how devastating its closure would be to us.

All three of my children have attended Ross Bridges in some capacity. When we first moved to Ross in the middle of the pandemic, my older two children found themselves behind the high academic standards of Ross School. Thanks to the tutoring they received from Ross Bridges, they are both now thriving academically. Jenine was absolutely instrumental in developing their reading skills. My son, who was in kindergarten at the time we moved to Ross, barely knew his alphabet thanks to pandemic gaps in his education. Fast forward to today, and he is such a voracious reader that I cannot get books out of the library fast enough for him. This would not have been possible without Ross Bridges. Tracy and Jenine were also key in spotting my daughter's early signs of ADHD. Her diagnosis in 4th grade was life-changing to her academic success, and she is now a thriving 5th grader thanks to their incredible work.

My youngest is a current pre-K student at Ross Bridges, and to say that she loves her school would be a gross understatement. She is absolutely obsessed with Ross Bridges and is often sad on the weekends because it isn't a school day. Every day, I hear a complete rundown of the experiences she had at school and how much fun she had with her adored friends. This group of seven children has bonded in a way that I have never seen with preschool children before. When any one of them needs help, they all rush in to assist. It is truly magical. I cannot imagine this little group losing their school. It would be absolutely heartbreaking to them, and a huge blow to the families.

At a time when we are in a childcare crisis in this country, Ross Bridges provides critical afterschool childcare. They are the only option in town for working parents of kindergarten students who get out earlier than the rest of the school. Our town is also in desperate need of MORE preschools, not fewer. We already have families signing up for preschool when their children are newborns and still not getting a spot; the loss of one of our already slim preschool options would be hugely detrimental to our community.

I avidly support the tight controls that we have as a town for what types of business go into our downtown, both for maintenance of our small town feel and for the safety of our kids. Ross Bridges is exactly the type of

business that we DO want in our town. They are laser focused on serving this community. Every single one of the current pre-K students will go to Ross School next year for kindergarten, and I've already mentioned the key role they play for Ross School elementary families. They may be the single most community focused business we have in town.

I humbly and pleadingly urge you to approve Ross Bridge's Use Permit application so they can continue to do the great work they are doing for Ross families. Ross Bridges is an absolutely critical component to the thriving future of the Ross community.

Pictures of the aforementioned current pre-K class attached.

Sincerely,

Kim Letter
5 Allen Lane

